

EXHIBIT 4

United States and Vulcan Society, et al v. City of New York

Civil Action No. 07-cv-2067 (Eastern District of New York), Garaufis, J.

OPT-OUT FORM FOR BLACK APPLICANTS

Do **NOT** fill out this form if you want to stay in the Class Action. Your options are:

OPTION 1: Stay In The Class. Submit The Claim Form Only.

You give up the right to sue the City in your own lawsuit for the same claims. You will be bound by the Court's decisions regarding backpay, priority hiring into the firefighter job, seniority and compensatory damages. You are also bound by the Subclass Representatives' decision to waive the right to a jury trial.

**OPTION 2: Ask To Be Excluded From The Class.
Submit The Claim Form And This Opt-Out Form.**

If you opt out of the Class Action, you will not receive compensatory damages in this case, but you will still be considered for backpay, priority hiring into the firefighter job and/or seniority. If you opt out, you may keep any rights you have to sue the City about the same legal claims in this lawsuit, so long as you do not waive that right by accepting an award of backpay or other individual relief. If you are considering this option, you should consult an attorney immediately.

ONLY FILL OUT THIS FORM IF YOU HAVE READ THE NOTICE OF CLASS ACTION AND WANT TO BE EXCLUDED FROM THE CLASS ACTION CASE.

First Name Middle Initial Last Name

Street Address City State Zip Code

() () ()
Home Phone Work Phone Cell Phone

Email

Signature: _____ Date: _____

To be excluded from the Class
Action, mail a signed Opt-Out
Form by [INSERT DATE] to:

CLERK OF THE COURT
U.S. District Court
Eastern District of New York
Attn: U.S. v. City of New York
225 Cadman Plaza East
Brooklyn, NY 11201